TKM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 APR -7 AM 10: 35

UNITED STATES OF AMERICA	)	Case No. 08 MJ 1076
	)	
VS	)	COMPLAINT FOR VIOLATION OF 21 U.S.C. Sections 952 & 960, Importation of a Controlled Substance
	)	
Richard Donald SCOTT	)	
	)	

KNH DEPUTY

The undersigned complainant being duly sworn states:

COUNT 1

That on or about April 5, 2008, within the Southern District of California, Richard Donald SCOTT did knowingly and intentionally import approximately 37 kilograms (81.4 pounds) of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

Andrew Soule, Special Agent
U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence, this 7th day of April 2008.

Ruben B. Brooks
United States Magistrate-Judge

TKM

UNITED STATES OF AMERICA

v.

Richard Donald SCOTT

STATEMENT OF FACTS

This complaint is based on the reports, documents and notes furnished to U.S. Immigration and Customs Enforcement Special Agent Andrew Soule.

On April 05, 2008, at approximately 1857 hours, Richard Donald SCOTT, a United States citizen, presented a California Identification Card (C2334194) to Customs and Border Protection Officer (CBPO) Jesus Segovia as SCOTT applied for entry into the United States at the San Ysidro, California, Port of Entry, from the Republic of Mexico. SCOTT was the driver and sole occupant of a 1996 Dodge Grand Caravan bearing California license plate 5UMU168.

During the primary screening process, CBPO Segovia noticed that the vehicle had two prior crossings. SCOTT declared to have purchased the vehicle one week ago, no current or valid vehicle registration, claimed to have visited his ex-girlfriend who resides in Tijuana, Mexico, and was on his way to Long Beach, California. SCOTT was subsequently referred to the secondary inspection area for further inspection.

During secondary examination CBPO Brunette requested that CBP Canine Enforcement Officer (CEO) Joel Fernandez utilize his Narcotic Detector Dog (NDD) to screen the 1996 Dodge Grand Caravan. The NDD alerted by sitting inside the vehicle,

TKM

indicating the presence of a narcotic odor. Further inspection by CBPO Brunette resulted in the discovery of a non-factory compartment located in the roof of the Grand Caravan, which contained a total of seventeen (17) packages containing a green leafy substance. A random sample was obtained from one of the packages, which field-tested positive for marijuana. The total weight of the marijuana was 37.05 kilograms (81.73 pounds). SCOTT was arrested for importation of marijuana into the United States.

Special Agents with Immigration and Customs Enforcement (ICE) conducted a visual inspection of the Grand Caravan and noted various toys for toddlers and the fuel gauge, which indicated 1/8 of a tank. SCOTT was searched incident to arrest and had $2.00 on his person, no credit cards, or other monetary instruments.

SCOTT was later advised of his Constitutional rights according to Miranda, which he acknowledged and waived. SCOTT declared he purchased the "Dodge" vehicle three days ago and had paid $900.00 U.S. dollars in three installments of $400.00, $200.00 and $300.00.

As SCOTT proceeded with his statements, he clutched and crossed his arms, made no eye contact with the agents, and turned his head away. SCOTT continued and stated he did not want to get in trouble and did not want to get anyone else in trouble so he terminated the interview.

SCOTT was transported to the Metropolitan Correctional Center, San Diego, California awaiting his Initial Appearance before a U. S. Magistrate Judge in San Diego, California.